

REFERENCE TITLE: photo radar; state highway fund

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2722

Introduced by
Representative Gorman

AN ACT

AMENDING SECTIONS 28-3397, 28-3398 AND 28-6991, ARIZONA REVISED STATUTES;
RELATING TO DEFENSIVE DRIVING SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-3397, Arizona Revised Statutes, is amended to
3 read:

4 28-3397. Additional fees; disposition; definition

5 A. In addition to the court diversion fee and the fee for the cost to
6 attend a defensive driving school, a person who attends a defensive driving
7 school pursuant to this article or by a court order shall pay a fee of not
8 more than fifteen dollars that is established by the supreme court.

9 B. Before or at the time an individual attends a defensive driving
10 school, the school shall collect the defensive driving school fund fee
11 established pursuant to this section and the fee, if any, charged by the
12 defensive driving school for the course.

13 C. The defensive driving school shall transmit the fee established by
14 the supreme court pursuant to this section to the supreme court. EXCEPT AS
15 PROVIDED IN SUBSECTION D OF THIS SECTION, the supreme court shall deposit the
16 fee in the defensive driving school fund established by section 28-3398
17 pursuant to procedures established by the supreme court.

18 D. THE SUPREME COURT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
19 35-147, FEES COLLECTED PURSUANT TO THIS SECTION IN THE STATE HIGHWAY FUND
20 ESTABLISHED BY SECTION 28-6991 FOR THE PURPOSE OF PAYING FOR HIGHWAY PATROL
21 COSTS INCURRED BY THE DEPARTMENT OF PUBLIC SAFETY IF THE FEES RESULT FROM A
22 TRAFFIC COMPLAINT ORIGINATING FROM THE USE OF A PHOTO ENFORCEMENT SYSTEM OR
23 DEVICE ON A STATE OR CONTROLLED ACCESS HIGHWAY.

24 E. FOR THE PURPOSES OF THIS SECTION, "PHOTO ENFORCEMENT SYSTEM OR
25 DEVICE" MEANS A SYSTEM OR DEVICE SUBSTANTIALLY CONSISTING OF A RADAR UNIT OR
26 SENSOR LINKED TO A CAMERA OR OTHER RECORDING DEVICE THAT PRODUCES ONE OR MORE
27 PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPES, DIGITAL IMAGES OR OTHER RECORDED
28 IMAGES OF A VEHICLE'S LICENSE PLATE FOR THE PURPOSE OF IDENTIFYING VIOLATORS
29 OF CHAPTER 3, ARTICLES 3 AND 6 OF THIS TITLE.

30 Sec. 2. Section 28-3398, Arizona Revised Statutes, is amended to read:

31 28-3398. Defensive driving school fund

32 A. A defensive driving school fund is established consisting of monies
33 ~~collected for the fee established by the supreme court~~ DEPOSITED pursuant to
34 section 28-3397.

35 B. The monies in the fund shall be used, subject to legislative
36 appropriation, to supervise the use of defensive driving schools by the
37 courts in this state and to expedite the processing of all offenses
38 prescribed in chapters 3 and 4 of this title.

39 C. The fund established in this section is not subject to reversion.
40 On notice from the supreme court, the state treasurer shall invest and divest
41 monies in the fund as provided by section 35-313, and monies earned from
42 investment shall be credited to the fund.

43 Sec. 3. Section 28-6991, Arizona Revised Statutes, is amended to read:

44 28-6991. State highway fund; sources

45 A state highway fund is established that consists of:

- 1 1. Monies distributed from the Arizona highway user revenue fund
2 pursuant to chapter 18 of this title.
- 3 2. Monies appropriated by the legislature.
- 4 3. Monies received from donations for the construction, improvement or
5 maintenance of state highways or bridges. These monies shall be credited to
6 a special account and shall be spent only for the purpose indicated by the
7 donor.
- 8 4. Monies received from counties under cooperative agreements,
9 including proceeds from bond issues. The state treasurer shall deposit these
10 monies to the credit of the fund in a special account on delivery to the
11 treasurer of a concise written agreement between the department and the
12 county stating the purposes for which the monies are surrendered by the
13 county, and these monies shall be spent only as stated in the agreement.
- 14 5. Monies received from the United States under an act of Congress to
15 provide aid for the construction of rural post roads, but monies received on
16 projects for which the monies necessary to be provided by this state are
17 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
18 shall be allotted by the department and deposited by the state treasurer in
19 the special account within the fund established for each project. On
20 completion of the project, on the satisfaction and discharge in full of all
21 obligations of any kind created and on request of the department, the
22 treasurer shall transfer the unexpended balance in the special account for
23 the project into the state highway fund, and the unexpended balance and any
24 further federal aid thereafter received on account of the project may be
25 spent under the general provisions of this title.
- 26 6. Monies in the custody of an officer or agent of this state from any
27 source that is to be used for the construction, improvement or maintenance of
28 state highways or bridges.
- 29 7. Monies deposited in the state general fund and arising from the
30 disposal of state personal property belonging to the department.
- 31 8. Receipts from the sale or disposal of any or all other property
32 held by the department and purchased with state highway monies.
- 33 9. Monies generated pursuant to section 28-410.
- 34 10. Monies distributed pursuant to section 28-5808, subsection B,
35 paragraph 2, subdivision (d).
- 36 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.
- 37 12. Except as provided in section 28-5101, the following monies:
 - 38 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
39 subsection B, paragraph 2, subdivision (e).
 - 40 (b) One dollar of each registration fee and one dollar of each title
41 fee collected pursuant to section 28-2003.
 - 42 (c) Two dollars of each late registration penalty collected by the
43 director pursuant to section 28-2162.
 - 44 (d) The air quality compliance fee collected pursuant to section
45 49-542.

1 (e) The special plate administration fees collected pursuant to
2 sections 28-2404, 28-2412 through 28-2424 and 28-2514.

3 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
4 if the director is the registering officer.

5 13. Monies deposited pursuant to chapter 5, article 5 of this title.

6 14. Donations received pursuant to section 28-2269.

7 15. Dealer and registration monies collected pursuant to section
8 28-4304.

9 16. Abandoned vehicle administration monies deposited pursuant to
10 section 28-4804.

11 17. Monies deposited pursuant to section 28-710, subsection D,
12 paragraph 2.

13 18. MONIES DEPOSITED PURSUANT TO SECTION 28-3397.